

**FILED**

JUN 23 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 TRACY L. MAINGUY, Bar No. 176928  
2 OPERATING ENGINEERS LOCAL UNION NO. 3 TRUST FUNDS- MULTI-SERVICES  
3 1620 South Loop Road  
Alameda, CA 94502  
(510) 748-7474

4 Attorney for Plaintiffs

5  
6 UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8 (SAN FRANCISCO HEADQUARTERS)  
9

10 GIL CROTHWAITE, JOHN BONILLA, in  
their respective capacities as Trustees of the  
11 OPERATING ENGINEERS HEALTH AND  
WELFARE TRUST FUND FOR  
12 NORTHERN CALIFORNIA et al.,

13 Plaintiffs,

14 vs.

15 SPECIALTY CRUSHING, INC. et al.,

16 Defendants.  
17

) Case No.: C 04-4579 MHP

) **NOTICE OF AUTOMATIC STAY DUE**  
) **TO DEFENDANTS' BANKRUPTCY**  
) **FILING AND REQUEST FOR ORDER**  
) **DIRECTING CLERK TO SUBMIT A JS-**  
) **G FORM TO ADMINISTRATIVE**  
) **OFFICE; [PROPOSED] ORDER**  
) **THEREON**

18 PLEASE TAKE NOTICE THAT the Defendant SPECIALTY CRUSHING, INC., a  
19 California Corporation filed a petition for relief in the United States Bankruptcy Court for the  
20 Northern District of California (Oakland Division), Chapter 11 Case Number Case Number 05-  
21 43167 LT. Pursuant to Section 362(a) of the Bankruptcy Code, the Plaintiffs are prevented from  
22 taking any collection actions outside the bankruptcy action against Defendant SPECIALTY  
23 CRUSHING, INC.

24 Accordingly, Plaintiffs hereby request that the Court issue an order stating the following:  
25

NOTICE OF AUTOMATIC STAY DUE TO BANKRUPTCY FILING; [PROPOSED] ORDER THEREON;  
Case No. C 04-4579 MHP

1           1.       There appears to be no further reason at this time to maintain the file as an open  
2 one for statistical purposes, and the Clerk is instructed to submit a JS-6 Form to the  
3 Administrative Office.

4           2.       Nothing contained in this Order shall be considered a dismissal or disposition of  
5 this action, and, should further proceedings in this litigation become necessary or desirable, any  
6 party may initiate it in the same manner as if this Order had not been entered.

7 Dated this 17<sup>th</sup> day of June of 2005.

8  
9                                   OPERATING ENGINEERS LOCAL UNION  
10                                  NO. 3 TRUST FUNDS-MULTI SERVICES

11 By: Tracy L. Mainguy  
12                                  TRACY L. MAINGUY  
13                                  ATTORNEY FOR PLAINTIFFS  
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ORDER

In light of the bankruptcy filing by Defendant SPECIALTY CRUSHING, INC., a California Corporation, it is ordered that:

1. There appears to be no further reason at this time to maintain the file as an open one for statistical purposes, and the Clerk is instructed to submit a JS-6 Form to the Administrative Office.

2. Nothing contained in this Order shall be considered a dismissal or disposition of this action, and, should further proceedings in this litigation become necessary or desirable, any party may initiate it in the same manner as if this Order had not been entered.

Dated:

6/22/05

  
HONORABLE UNITED STATES DISTRICT COURT  
JUDGE MARYLYN HALL PATEL

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

  
MARILYN HALL PATEL  
HONORABLE UNITED STATES DISTRICT JUDGE